

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JASON LEMASTER,

Plaintiff,

v.

Civil Action 2:10-cv-00252

Judge Michael H. Watson

Magistrate Judge E.A. Preston Deavers

ROSS COUNTY, OHIO, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

On July 6, 2011, this undersigned issued a Show Cause Order, directing Plaintiff to show cause within fourteen days why this matter should not be dismissed pursuant to Federal Rule of Civil Procedure 25(a)(1). (ECF No. 28.) The undersigned specifically cautioned Plaintiff that failure to show cause would result in a recommendation that this Court dismiss the action. To date, Plaintiff has not responded to the Show Cause Order. It is therefore **RECOMMENDED** that the Court **DISMISS** this action pursuant to Rule 25(a)(1).

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and

waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal . . .”) (citation omitted)).

IT IS SO ORDERED.

Date: August 8, 2011

/s/ Elizabeth A. Preston Deavers

Elizabeth A. Preston Deavers
United States Magistrate Judge